

# BARTON

October 3, 2018

## VIA ELECTRONIC SUBMISSION

Maryland Attorney General's Office  
Attorney General, Brian Frosh  
Consumer Protection Division  
200 St. Paul Place  
Baltimore, MD 21202  
E-Mail: [consumer@oag.state.md.us](mailto:consumer@oag.state.md.us)

## ATTORNEYS AT LAW

Graybar Building  
420 Lexington Avenue  
New York, NY 10170

(212) 687.6262 Office  
(212) 687.3667 Fax

[bartonesq.com](http://bartonesq.com)

Re: Notification of Data Security Incident

Dear Attorney General Frosh:

We represent Fellen and Fellen LLC, a New Jersey law firm ("Fellen"), in connection with a recent data security incident which is described in greater detail below. Fellen takes the security and privacy of personal information very seriously and is taking steps to prevent a similar incident from occurring in the future.

### **1. Nature Of The Security Incident.**

Fellen has discovered, in an investigation completed in September, that one of its staff had clicked on a link contained in a "phishing" email, through which a malicious, unknown, third party was able to send out and create a rule that redirected emails to the malicious actor's repository. Through these emails, the unauthorized third party was able to access certain contacts' personal information, possibly including information of one Maryland resident. Fellen's forensic research has not uncovered any evidence that such personal information has been misused as a result of this incident.

### **2. Number Of Maryland Residents Affected.**

Following the issuance of this letter, Fellen will notify the one Maryland resident affected by this data security incident. A sample copy of the notification letter is attached hereto.

### **3. Steps Taken Relating To The Incident.**

Fellen has taken affirmative steps to prevent a similar situation from arising in the future and to protect the privacy and security of all personal information. These steps have included working with a forensics firm to ensure that this type of event does not re-occur. Fellen's forensic analysts have advised us that the problem has been resolved in that the affected hard drive containing the malware and the information systems have been inspected for additional malware, and no remaining malware was found in Fellen's systems. In addition, Fellen is offering the affected individuals one (1) year of credit monitoring through Experian at no charge to the affected individual.

**4. Contact Information.**

Fellen is dedicated to protecting the sensitive information that is in its control. If you have any questions or need additional information, please do not hesitate to contact me at (212) 885-8836, or by e-mail at [Krashbaum@bartonesq.com](mailto:Krashbaum@bartonesq.com)

Sincerely,

A handwritten signature in dark ink, appearing to read 'Ken N. Rashbaum', with a long horizontal flourish extending to the right.

Kenneth N. Rashbaum  
Barton LLP

Enclosure

Cc: Linda Fellen, Esq.

**FELLEN AND FELLEN LLC**

**21 Kilmer Drive**

**Building 2, Suite G**

**Morganville, NJ 07551**

October 3, 2018

[Recipient]

***RE: Important Security Notification***

***PLEASE READ THIS ENTIRE LETTER.***

Dear [Recipient]:

We are contacting you regarding reports we received regarding about a data security incident at Fellen & Fellen, for which a forensic investigation was completed in September. The investigation revealed that certain emails were appropriated by an unauthorized user due to the security incident, and your personal information, including your name, address, email, financial information including Social Security Number, phone number and other identifying information, if the foregoing were ever sent to us via email, that may have been exposed to the unauthorized user. As a result, your personal information may have also been exposed to others. Please be assured that we have taken every step necessary to address the incident.

We have worked diligently, with the assistance of third party forensic cyber security investigators, to identify the source of the breach, which was isolated to one account in our email system, identify any vulnerabilities in our email systems, and to strengthen our security measures to protect information in our possession. Our third party forensic investigators have determined the full nature and scope of this incident and have remediated the intrusion. To date, we have received no information that any client's identifying information was used to create unauthorized accounts or to make unauthorized purchases

**What we are doing to protect your information:**

To help protect your identity, we are offering a complimentary 1 year membership of Experian's® IdentityWorks<sup>SM</sup> product. This product provides you with superior identity detection and resolution of identity theft. To activate your membership and start monitoring your personal information please follow the steps below:

- Ensure that you **enroll** by: \_\_\_\_\_ (Your code will not work after this date.)
- **Visit** the Experian IdentityWorks website to enroll: <https://www.experianidworks.com/3bplus>
- Provide your **activation code**: \_\_\_\_\_

If you have questions about the product, need assistance with identity restoration or would like an alternative to enrolling in Experian IdentityWorks online, please contact Experian's customer care team at **877-890-9332** by \_\_\_\_\_. Be prepared to provide engagement number \_\_\_\_\_ as proof of eligibility for the identity restoration services by Experian.

## ADDITIONAL DETAILS REGARDING YOUR {12-MONTH} EXPERIAN IDENTITYWORKS MEMBERSHIP:

A credit card is **not** required for enrollment in Experian IdentityWorks.

You can contact Experian **immediately** regarding any fraud issues, and have access to the following features once you enroll in Experian IdentityWorks:

- **Experian credit report at signup:** See what information is associated with your credit file. Daily credit reports are available for online members only.\*
- **Credit Monitoring:** Actively monitors Experian, Equifax and Transunion files for indicators of fraud.
- **Identity Restoration:** Identity Restoration specialists are immediately available to help you address credit and non-credit related fraud.
- **Experian IdentityWorks ExtendCARE™:** You receive the same high-level of Identity Restoration support even after your Experian IdentityWorks membership has expired.
- **Up to \$1 Million Identity Theft Insurance\*\*:** Provides coverage for certain costs and unauthorized electronic fund transfers.

If you believe there was fraudulent use of your information and would like to discuss how you may be able to resolve those issues, please reach out to an Experian agent at 877-890-9332. If, after discussing your situation with an agent, it is determined that Identity Restoration support is needed, then an Experian Identity Restoration agent is available to work with you to investigate and resolve each incident of fraud that occurred (including, as appropriate, helping you with contacting credit grantors to dispute charges and close accounts; assisting you in placing a freeze on your credit file with the three major credit bureaus; and assisting you with contacting government agencies to help restore your identity to its proper condition).

Please note that this Identity Restoration support is available to you for one year from the date of this letter and does not require any action on your part at this time. The Terms and Conditions for this offer are located at [www.ExperianIDWorks.com/restoration](http://www.ExperianIDWorks.com/restoration). You will also find self-help tips and information about identity protection at this site.

We sincerely apologize for this incident and regret any inconvenience it may cause you. Should you have questions or concerns regarding this matter, please do not hesitate to contact us at: [info@fellenlaw.com](mailto:info@fellenlaw.com).

Sincerely,

Linda Fellen  
Managing Member

\* Offline members will be eligible to call for additional reports quarterly after enrolling

\*\* Identity theft insurance is underwritten by insurance company subsidiaries or affiliates of American International Group, Inc. (AIG). The description herein is a summary and intended for informational purposes only and does not include all terms, conditions and exclusions of the policies described. Please refer to the actual policies for terms, conditions, and exclusions of coverage. Coverage may not be available in all jurisdictions

### Reference Guide

The following tools and resources are available to you in addition to the services that we are providing at no cost to you:

**Order Your Free Credit Report.** To order your free credit report, visit [www.annualcreditreport.com](http://www.annualcreditreport.com), call toll-free at 1-877-322-8228, or complete the Annual Credit Report Request Form on the U.S. Federal Trade Commission's ("FTC") website at [www.consumer.ftc.gov](http://www.consumer.ftc.gov) and mail it to Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281. The three consumer reporting agencies provide free annual credit reports only through the website, toll-free number or request form.

When you receive your credit report, review it carefully. Look for accounts you did not open. Look in the "inquiries" section for names of creditors from whom you haven't requested credit. Some companies bill under names other than their store or commercial names. The consumer reporting agency will be able to tell you when that is the case. Look in the "personal information" section for any inaccuracies in your information (such as home address and Social Security number). If you see anything you do not understand, call the consumer reporting agency at the telephone number on the report. Errors in this information may be a warning sign of possible identity theft. You should notify the consumer reporting agencies of any inaccuracies in your report, whether due to error or fraud, as soon as possible so the information can be investigated and, if found to be in error, corrected. If there are accounts or charges you did not authorize, immediately notify the appropriate consumer reporting agency by telephone and in writing. Consumer reporting agency staff will review your report with you. If the information can't be explained, then you will need to call the creditors involved. Information that can't be explained also should be reported to your local police or sheriff's office because it may signal criminal activity.

**Report Incidents.** If you detect any unauthorized transactions in a financial account, promptly notify your payment card company or financial institution. If you detect any incident of identity theft or fraud, promptly report the incident to law enforcement, the FTC and your state Attorney General. If you believe your identity has been stolen, the FTC recommends that you take these steps:

- Place an initial fraud alert.
- Order your credit reports.
- Create an FTC Identity Theft Affidavit by submitting a report about the theft at <http://www.ftc.gov/complaint> or by calling the FTC.
- File a police report about the identity theft and get a copy of the police report or the report number. Bring your FTC Identity Theft Affidavit with you when you file the police report.

Your Identity Theft Report is your FTC Identity Theft Affidavit plus your police report. You may be able to use your Identity Theft Report to remove fraudulent information from your credit report, prevent companies from refurnishing fraudulent information to a consumer reporting agency, stop a company from collecting a debt that resulted from identity theft, place an extended seven-year fraud alert with consumer reporting agencies, and obtain information from companies about accounts the identity thief opened or misused. You can contact the FTC to learn more about how to protect yourself from becoming a victim of identity theft and how to repair identity theft:

#### **Federal Trade Commission Consumer Response Center**

600 Pennsylvania Avenue, NW  
Washington, DC 20580  
1-877-IDTHEFT (438-4338)  
[www.ftc.gov/idtheft](http://www.ftc.gov/idtheft)

**Placing a Fraud Alert on Your Credit File.** You may place a fraud alert on your credit file. A fraud alert helps protect you against the possibility of an identity thief opening new credit accounts in your name. When a merchant checks the credit history of someone applying for credit, the merchant gets a notice that the applicant may be the victim of identity theft. The alert notifies the merchant to take steps to verify the identity of the applicant. You can place a fraud alert on your credit report by calling any one of the toll-free numbers provided below. You will reach an

consumer reporting agencies. For more information on fraud alerts, you also may contact the FTC as described above.

|            |                                                                                      |                |                    |
|------------|--------------------------------------------------------------------------------------|----------------|--------------------|
| Equifax    | Equifax Credit Information Services, Inc.<br>P.O. Box 740241<br>Atlanta, GA<br>30374 | 1-800-525-6285 | www.equifax.com    |
| Experian   | Experian Inc.<br>P.O. Box 9554<br>Allen, TX<br>75013                                 | 1-888-397-3742 | www.experian.com   |
| TransUnion | TransUnion LLC<br>P.O. Box 2000<br>Chester, PA 19022-2000                            | 1-800-680-7289 | www.transunion.com |

**Placing a Security Freeze on Your Credit File.** You may place a “security freeze” (also known as a “credit freeze”) on your credit file. A security freeze is designed to prevent potential creditors from accessing your credit file at the consumer reporting agencies without your consent. There may be fees for placing, lifting, and/or removing a security freeze, which generally range from \$5-\$20 per action. *Unlike a fraud alert, you must place a security freeze on your credit file at each consumer reporting agency individually.* For more information on security freezes, you may contact the three nationwide consumer reporting agencies or the FTC as described above. As the instructions for establishing a security freeze differ from state to state, please contact the three nationwide consumer reporting agencies to find out more information.

The consumer reporting agencies may require proper identification prior to honoring your request. For example, you may be asked to provide:

- Your full name with middle initial and generation (such as Jr., Sr., II, III)
- Your Social Security number
- Your date of birth
- Addresses where you have lived over the past five years
- A legible copy of a government-issued identification card (such as a state driver’s license or military ID card)
- Proof of your current residential address (such as a current utility bill or account statement).